

REMARKS

Claims 25, 31, 38, 42, 55, 58 and 66 are amended. Claims 27, 34, 41, 44 and 62 are withdrawn from consideration. Claims 25-62 and 65-69 are pending in the application.

Claims 25-26, 28-33, 35-40, 42-43, 45-61 and 65-69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shindo, U.S. Patent No. 5,810,983 in view of Cole, U.S. Patent No. 6,391,172. The Examiner acknowledges at page 2 of the present Action that Shindo does not disclose the non-cobalt metallic elements recited in the claims. The Examiner indicates, however, that Cole discloses aluminum present in a cobalt sputtering target. Without admission as to the propriety of the Examiner's rejections, independent claims 25 and 58 are amended to no longer recite aluminum. Accordingly, claims 25 and 58 are allowable over the cited combination of Cole and Shindo.

Dependent claims 26, 28-30, 59-61 and 65 are allowable over the cited combination of Cole and Shindo for at least the reason that they depend from corresponding allowable base claims 25 and 58.

With respect to claims 31, 38, 42, 55 and 66, the Examiner indicates that applicant's arguments set forth in the previous response regarding claims do not overcome previous rejections because the recited limitations of less than an indicated amount of an element includes zero as a lower limit and would read upon materials disclosed in Shindo. Without admission as to the propriety of the Examiner's rejections, independent claims 31, 38, 42, 55 and 66 are amended to recite from greater than 0 ppm to an upper limit of recited non-cobalt metallic elements. Accordingly, independent claims 31, 38, 42, 55 and 66 are allowable over the art of record.

Dependent claims 32-33, 35-37, 39-40, 43, 45-54, 56-57 and 67-69 are allowable over the art of record for at least the reason that they depend from corresponding allowable base claims 31, 38, 42, 55 and 66.

For the reasons discussed above, claims 25-26, 28-33, 35-40, 42-43, 45-61 and 65-69 are allowable. Accordingly, applicant respectfully requests formal allowance of claims 25-26, 28-33, 35-40, 42-43, 45-61 and 65-69 in the Examiner's next action.

Respectfully submitted,

Dated: June 8, 2004

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